

REMARKS

In the Office Action the Examiner rejected claims 1-8, 10 and 11 under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner noted that applicant fails to positively recite "a buttonhook" in the body of the claim, and further noted that claims 1 – 8, 10 and 11 recite only the structural elements of "a zipper puller."

Claims 1 – 8 and 10 are also rejected on various grounds including anticipation under 35 U.S.C. § 102 and obviousness under 35 U.S.C. § 103.

Claim 11 is said to be allowable if rewritten to overcome rejections under 35 U.S.C. § 112, 2nd paragraph, and to include all limitations of the base claim and any intervening claim, including the requirement that "a buttonhook" must be positively recited in the body of the claim if a combination device is claimed.

Claims 1 – 8 and 10 have now been canceled.

Claim 11 has been amended to positively recite "a buttonhook" and, further, to indicate the manner in which the device may be used as "a buttonhook" and also the manner in which the device may be used as "a zipper puller."

It is noted that claim 11 is an independent claim. Accordingly, the Examiner's requirement that the claim include all limitations of the base claim and any intervening claims is not possible and, in any event, is not essential to the allowability of an independent claim. With these amendments, claim 11 is believed to be patentable, and applicant respectfully requests the Examiner to issue a Notice of Allowance.

Dated: February 6, 2005

Respectfully submitted,

Michael C. Cesarano

Michael C. Cesarano
Reg. No. 31, 817
Akerman Senterfitt
1 S.E. 3rd Avenue, 28th Floor
Miami, Florida 33131-1714
305-374-5600 Telephone
305-374-5095 Telefax

Attorney for Applicant